

REMARKS

Applicants would like to express appreciation to the Examiner for the detailed Official Action provided. Upon entry of the present paper, claims 1-17 will remain pending before the Examiner. Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

The Examiner has rejected claims 1-7 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 3,975,750 to YOSHINO in view of U.S. Patent No. 4,589,023 to SUZUKI. Specifically, with respect to claim 1, the Examiner has found that YOSHINO teaches the claimed invention except that the camera is an electronic still camera; however, the Examiner has found that SUZUKI teaches this limitation, and has concluded that it would have been obvious to incorporate the teachings of SUZUKI into those of YOSHINO.

Applicants respectfully traverse the Examiner's rejection, and note that the "sealing member" 5, 103, 133 of YOSHINO does not seal the image pickup light path between the shutter and the image pickup element. Contrary to the Examiner's assertion, YOSHINO does not even have an image pickup element, but rather is a conventional film camera (*see, e.g.*, col. 4, lines 1-5). Even if the Examiner was to assert that film 6 of YOSHINO is the image pickup element, the bellows 5, 103, 133 of YOSHINO identified by the Examiner does not touch the film (*see, e.g.*, Figs. 11-12, which show the bellows structure contacting a surface in front of the film plane). In fact, the bellows of YOSHINO *cannot* touch the film, otherwise it would interfere with the photograph. Thus, the bellows of YOSHINO does not seal an image pickup light path between the shutter and the image pickup element (as generally recited in claim 1) because the bellows does not reach the film. Applicants thus submit that YOSHINO and SUZUKI, whether taken alone or in any proper combination, fails to disclose or render obvious at least the invention as recited in claim 1.

With respect to the Examiner's rejection of dependent claim 2, Applicants note that the "sealing member" of YOSHINO is not tubular, but rather is generally cuboidal in shape, as shown in Fig.9 of YOSHIDA. Further, with respect to this claim and other dependent claims 3-7, Applicant submits that these claims are dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

The Examiner has rejected claims 8 and 15 under 35 U.S.C. § 103(a) as being unpatentable over YOSHINO in further view of SUZUKI in further view of the Examiner's Official Notice. Specifically, the Examiner has taken official notice that it is old and well known in the art to use one of a low-pass filter and an infrared absorption filter (with respect to claim 8) and that is also old and well known in the art to have an optical filter fitted in an opening at an object side of the sealing member (with respect to claim 15). Applicants respectfully traverse such Official Notices, as they are entirely without support. Thus, Applicants respectfully request that the Examiner provide support for such Official Notices by identifying, *e.g.*, a reference, should the Examiner choose to maintain this rejection. Nevertheless, since these claims are dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, these dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

The Examiner has rejected claims 9, 12 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over YOSHIDA in view of YAZAWA. The Examiner has maintained the rejection of claim 9, and in the "Response to Arguments" section of the Final Official Action, asserts that YAZAWA does indeed disclose optical filters, and further asserts that YOSHIDA does indeed disclose a shutter. However, Applicants note that in the previous Response of April 13, 2007,

Applicants did not assert that YAZAWA fails to disclose an optical filters, or that YOSHIDA fails to disclose a shutter. Rather, Applicants asserted (and continue to do so) that because YAZAWA merely discloses an optical filter and completely fails to disclose a shutter (rather, the optical filter of YAZAWA is mounted to an imaging element frame 21 which is not configured to restrict an aperture which is opened and closed by a shutter as recited in claim 9 (there being no shutter in YAZAWA)), Applicants asserted (and continue to do so) that there is to reason to combine the endoscope filters of YAZAWA with the camera of YOSHIDA in any manner which would render unpatentable the present claimed invention. Therefore, Applicants asserted (and continue to do so) the Examiner has not presented sufficient reasoning for the proposed modification, and the only reason to combine the teachings of the applied prior art results from a review of Applicants' disclosure and the application of impermissible hindsight. Thus, it is respectfully submitted that independent claim 9 is patentably distinct from any proper combination of YAZAWA and YOSHIDA.

With respect to the Examiner's rejection of dependent claims 12 and 16-17, Applicant submits that these claims are dependent from allowable independent claim 9, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*, and set forth a further combination of elements neither taught nor disclosed by any of the applied references.

The Examiner has rejected claims 10-11 under 35 U.S.C. § 103(a) as being unpatentable over YOSHIDA in view of YAZAWA and in further view of the Examiner's Official Notice. Applicants respectfully traverse the Examiner's rejection and note that since these claims are dependent from allowable independent claim 9, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references. Applicants note that in the previous Response of April 13, 2007, Applicants

traversed the Examiner's Official Notice, as it is entirely without support; however, the Examiner failed to address this traversal in the present Final Official Action, but rather merely repeated the same rejection of these claims as set forth in the previous Official Action. Applicants again traverse the Examiner's Official Notice (at least in view of the arguments previously proffered and provided *supra*), and again note that YAZAWA completely fails to disclose a shutter and thus could not possibly teach that the low-pass filter is closely secured to the frame member which is located closer to the image pickup element than the shutter, as claimed in claim 11. Thus, Applicants again respectfully request that the Examiner provide support for such Official Notice by identifying, *e.g.*, a reference. It is thus respectfully requested that the Examiner withdraw the rejection of claims 10-11 under 35 U.S.C. § 103(a).

The Examiner has rejected claims 13-14 under 35 U.S.C. § 103(a) as being unpatentable over YOSHIDA in view of YAZAWA and in further view U.S. Patent No. 5,050,014 to MAEDA. Applicants respectfully traverse the Examiner's rejection and note that since these claims are dependent from allowable independent claim 9, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references. It is thus respectfully requested that the Examiner withdraw the rejection of claims 13-14 under 35 U.S.C. § 103(a).

Thus, Applicants respectfully submit that each and every pending claim of the present application meets the requirements for Patentability at least under 35 U.S.C. § 103, and respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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